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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 20, 2000

APPLICATION OF

AT&T COMMUNICATIONS OF VIRGINIA,
INC.,
TCG VIRGINIA, INC.,
ACC NATIONAL TELECOM CORP.,
MEDIAONE OF VIRGINIA,
and
MEDIAONE TELECOMMUNICATIONS OF
VIRGINIA, INC.

CASE NO. PUC000282

For arbitration of interconnection
rates, terms and conditions, and
related arrangements with Verizon
Virginia Inc. pursuant to Section
252(b) of the Telecommunications
Act of 1996

ORDER OF DISMISSAL

On October 20, 2000, AT&T Communications of Virginia, Inc.,
TCG Virginia, Inc., ACC National Telecom Corp., MediaOne of
Virginia, and MediaOne Telecommunications of Virginia, Inc.
(collectively "AT&T"), filed with the State Corporation
Commission ("Commission") a petition for arbitration of
interconnection rates, terms, conditions, and related
arrangements with Verizon Virginia Inc. ("Verizon") pursuant to
§ 252(b) of the Telecommunications Act of 1996 ("the Act"). On
November 14, 2000, Verizon filed its Answer to AT&T's petition.

On November 22, 2000, the Commission issued an Order advising AT&T and Verizon that, in light of the Commission's concern regarding possible waiver of the Commonwealth's immunity, they may elect to proceed with their arbitration under the Act before the Federal Communications Commission ("FCC") or they may pursue resolution of unresolved issues before the Commission pursuant to Virginia law and the Commission's Rules. AT&T was ordered to advise the Commission in writing within fifteen (15) days of the date of the Order whether it wishes to pursue its arbitration request before the Commission.

On December 4, 2000, AT&T filed a letter stating that it does not wish to pursue its arbitration request before the Commission and instead intends to proceed with its request under the Act before the FCC.

As stated in our November 22, 2000, Order, until the issue of Eleventh Amendment immunity from federal appeal under the Act is resolved by the Courts of the United States,¹ we will not act solely under the Act's federally conveyed authority in matters that might arguably implicate a waiver of the Commonwealth's immunity, including the arbitration of rates, terms, and conditions of interconnection agreements between local exchange carriers.

¹ The 4th Circuit currently has pending before it a case involving sovereign immunity, BellSouth Telecommunications, Inc. v. North Carolina Utilities

Since AT&T does not wish to pursue arbitration before the Commission, we will dismiss its request for arbitration. If AT&T proceeds to the FCC, it shall be the responsibility of AT&T to serve copies of all pleadings filed herein upon the FCC.

Accordingly, IT IS ORDERED THAT:

(1) This case is hereby dismissed pursuant to the laws of the Commonwealth of Virginia, without prejudice, consistent with the findings above and our November 22, 2000, Order.

(2) There being nothing further to come before the Commission, this case is closed and the papers filed herein shall be placed in the file for ended causes.

Commission, No. 99-1845(1), which was argued May 1, 2000. As of the date of this Order, the 4th Circuit has not ruled on this matter.